

DELEGATED APPLICATION REPORT

SITE ADDRESS:	1 Bennet Court, Bennet Road, Reading
APPLICATION NUMBER:	210320/OPA
PROPOSAL:	Change of use of building (Plot 1) from Class B1(a) (offices) to C3 (dwelling houses) to comprise 27 flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
TARGET DATE:	22/04/2021

Introduction

The application site comprises two detached two storey office buildings (Plot 1 and Plot 2) located on the south side of Bennet Road, known as 'Bennet Court'. This application relates to Plot 1. There is an area of hardstanding to the front, side and rear some of which is used for parking in connection with the offices and shared with Plot 2 sited south within the wider plot.

The application site is not located within a conservation area, nor is the building listed.

The site is within an area of contaminated land and is located with the EM2d: Bennet Road Core Employment Area as identified in the proposals map of the Reading Borough Local Plan 2019.

Proposal

Prior Approval, under Class O, Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended), is sought for the change of use of the building from offices to 27 x 1 bed flats.

Information Submitted

Drawing No: Plot 1 Site Plan

Drawing No: Ground Floor Plans (Only Plot 1 hereby approved)

Drawing No: First Floor Plans (Only Plot 1 hereby approved)

Received 25th February 2021

Noise Impact Assessment

Phase 1 Contaminated Land Assessment

Geosmart Contaminated Land Historical Maps

Geosmart Contaminated Land Borehole Maps

Technical Note on Transport Matters

Received 22nd February 2021

Positive and Proactive Engagement

This is an application for whether prior approval is required; the requirements of the NPPF for the LPA to engage in a proactive manner are therefore not relevant.

Policy Context

Legal context

Class O allows development consisting of a change of use of a building and any land within its curtilage to Class C3 dwellinghouses (houses or flats) from a Class B1(a) office use.

As set out in Para 0.2 of Class O (as amended), development is permitted subject to the condition that before beginning the development, the development shall apply to the local planning authority for a determination as to whether the prior approval of the local authority will be required as to:

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development,
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses

and the provisions of paragraph W (prior approval) apply in relation to that application.

In this case, having initially reviewed the application, the Local Planning Authority has determined that prior approval is required in this instance due to the potential impact concerning points a) to e).

In assessing these issues, officers must have regard to the NPPF as if the application were a planning application, and also have regard to the Local Development Framework (the NPPF states that due weight should be given to the adopted policies of the Local Development Framework according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given)).

It is pertinent to note that new legislation was introduced from 1st August 2020 in relation to prior approval also being required in relation to natural light considerations.

Similarly, on 30th September 2020 the Housing Secretary announced that homes delivered through permitted development rights will have to meet with the nationally prescribed space standards at a minimum. It should be noted that from 6th April 2021, the provision of minimum space standards is a further consideration under prior approval submitted under Class O, Part 3, Schedule 2 of the General Permitted Development Order (2015). However, applications submitted prior to 6th April 2021 are not required to demonstrate this provision. This application was submitted to the LPA 22nd February 2021, so the provision of meeting minimum space standards has not been factored into the assessment of this application for that reason.

Reading Borough Local Plan 2019

EN16 Pollution and Water Resources

EN18 Flooding

EM3 Loss of Employment Land

TR3 Traffic Access and Highways Related Matters

CC8 Safeguarding Amenity

Planning History

210306/OPA Change of use of building (Plot 2) from Class B1(a) (offices) to C3 (dwelling houses) to comprise 22 flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Prior Approval Notification - Approval

200598/FUL Recladding of existing commercial buildings, erection of two storey building to contain an 'amenity pod', re-arrangement of carparking layout and landscaping. Permitted

170236/FUL - Replacement of roller shutter and access door with windows. Permitted

141804/FUL Change of Use of ground floor from B1 and A1 to D1A for offices consulting and treatment rooms to provide services entailing counselling to clients in relation to reproductive health matters, ultra sound scanning, medical assessment including blood and urine testing sexual health screening and procedures to regulate fertility both medical and under local anaesthetic. This use is to be personal to .p.a.s. and for the period of the lease. Withdrawn

890477/FUL Use of buildings for business purposes (Class B1) Permitted

Response to Publicity (Representations Received)

A site notice was erected on 09/03/21. No letters of representation were received.

Consultation Responses

Transport:

The site is located within Zone 3, Secondary Core Area, of the Council's adopted Parking Standards and Design SPD. The site is located within a short walk of the closest bus stops located on the B3031 Basingstoke Road, around 300 metres away, which provide frequent services towards Reading Town Centre and Whitley Wood. Vehicular access to the site is currently provided from Bennet Road via priority junction arrangement. No changes are proposed to the existing access arrangement.

In accordance with the adopted SPD, the development would be required to provide a parking provision of 1.5 spaces per 1-2 bedroom flat, plus one space per four dwellings for visitors. This equates to a total parking requirement of 47 parking spaces for Plot 1. These parking spaces will be retained on site as part of the change of use.

It is noted that there are a number of parking spaces (42 in total) located along the eastern boundary and southern boundary of the site which are outside of the red line area, but no clarification has been provided regarding the intended use of these spaces. This may result in an over provision of parking spaces for the number of flats on the site.

Cycle parking requirements are set out in the Parking Standards and Design SPD. This confirms that 0.5 spaces per one bedroom flat are required, equating to a total of 14 cycle parking spaces. Secure, covered communal bike stores will be provided on site for use by future residents.

Bin stores will be provided on site. Refuse vehicles will continue to access, manoeuvre, and turn within the site as per the existing arrangements.

It is accepted that the existing office use will generate more vehicular trips in the peak hours than the proposed residential use. However, the applicant is requested to clarify the intended use of the 42 parking spaces along the eastern and southern boundary as these have not been assessed as part of the application.

Officer Comment: The applicant has confirmed that the additional spaces are not proposed to be used by residents of the flats. They might be returned to soft landscaping in future; however, such works do not form within the scope of the prior approval. Further to this, the Transport Officer has confirmed that, noting there is no scope under prior approval to remove the spaces, and given that they are already existing, it is unlikely that there would be any impact on the surrounding highway network. Therefore, there are no grounds under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), for a Transport objection.

Environmental Protection:

Noise impact on development

A noise assessment should be submitted in support of applications for new residential proposed in noisy areas.

The noise assessment will be assessed against the recommendations for internal noise levels within dwellings and external noise levels within gardens / balconies in accordance with BS 8233:2014 and WHO guidelines for Community Noise. The report should identify any mitigation measures that are necessary to ensure that the recommended standard is met.

The noise assessment data should also include noise events (L_AMax) and the design should aim to prevent noise levels from noise events exceeding 45dB within bedrooms at night, as this is linked with sleep disturbance.

Internal noise criteria (taken from BS8233:2014)

Room	Design criteria	Upper limit
Bedrooms (23:00 to 07:00)	<30dB LAeq,8hour	

Living rooms (07:00 - 23:00)	<35dB LAeq,16hour	
Gardens & Balconies	<50dB LAeq,T	<55dB LAeq,T

The noise assessment submitted shows that commercial noise does adversely impact the development, but that with appropriate design mitigation the recommended standard for internal noise can be met, if the recommendations from the assessment are incorporated into the design. It is recommended that a condition be attached to consent to ensure that the glazing (and ventilation) recommendations of the noise assessment will be followed, or that alternative but equally or more effective glazing and ventilation will be used. See recommended condition below.

➤ N10 NOISE MITIGATION SCHEME (AS SPECIFIED)

The glazing, ventilation and any other mitigation specified shall be installed in accordance with the specifications recommended within the Noise Assessment submitted with the application [ACA Acoustics, 15th January 2021, Report Reference: 201205-R001A.

REASON: In order to protect the amenity of future occupants of the proposed development in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

Contaminated Land

The developer is responsible for ensuring that development is safe and suitable for use for the intended purpose or can be made so by remedial action.

The development lies on the site of an historic bus depot which has the potential to have caused contaminated land and the proposed development is a sensitive land use.

The desk study submitted with the application recommends that a phase 2 site investigation is carried out to determine if there is any contamination at the site that could pose a risk to future occupants.

Investigation must be carried out by a suitably qualified person to ensure that the site is suitable for the proposed use or can be made so by remedial action.

See recommended conditions below, these are required to ensure that future occupants are not put at undue risk from contamination.

Recommended conditions

➤ CO3 CONTAMINATED LAND ASSESSMENT (TO BE SUBMITTED)

No development shall commence on site including demolition and any preparatory works until an assessment of the nature and extent of contamination has been submitted to and been approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any

contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

REASON: These details are required due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

➤ CO4 REMEDIATION SCHEME (TO BE SUBMITTED)

No development shall commence on site including demolition and any preparatory works until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: These details are required due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

➤ CO5 REMEDIATION SCHEME (IMPLEMENT AND VERIFICATION)

The approved remediation scheme under Condition **INSERT** shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority before construction above foundation level.

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

➤ CO6 UNIDENTIFIED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development not previously identified, development shall be halted on that part of the site the contamination reported in writing to the Local Planning Authority.

An assessment of the nature and extent of contamination shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the Local Planning Authority for its written approval.

The measures in the approved remediation scheme shall be implemented in accordance with the approved timetable. Halted works shall not be re-commenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the Local Planning Authority.

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

Environment Agency: Not consulted as not in a flood zone 2 or 3.

Appraisal

Development is not permitted by new Class O in the following instances (officer comments follow in **bold**):

- (a) The building is on article 2(5) land (**Complies - none in Reading Borough**)
- (b) The building was not used for a use falling within Class B1 (a) (offices) of the Schedule to the Use Classes Order (i) immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use (**Complies - as per the history above, the buildings were granted B1 use under application 890477. This has also been confirmed via the most recent planning permission at the site 200598**)
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use (**Complies - an informative can be attached to advise of this requirement**)
- (d) The site is or forms part of a safety hazard area (**Complies - it does not**)
- (e) The site is or forms part of a military explosives storage area (**Complies- it does not**)
- (f) The building is a listed building or a scheduled monument (**Complies - the building is not a listed building or a scheduled monument**)

(1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date

Assessment of Conditions O.2

(a) Transport and highways impact of the development

As per the Transport consultation response, the proposed development is considered acceptable from a transport perspective.

(b) Contamination risks on the site

A Phase One Environmental Assessment has been submitted as part of the application which recommends the completion of a Phase 2 investigation and implementation of appropriate mitigation measures. The Environmental Protection department have not raised any objection subject to further investigation to be agreed via condition. The applicant's agent has confirmed agreement to pre-commencement conditions in this respect.

(c) Flooding risks on the site

The site is not within Flood Zones 2 or 3.

d) Impacts of noise from commercial premises on the intended occupiers of the development

The legislation only allows the Council to consider the potential of noise from commercial premises on the intended occupiers of the development, and, therefore, traffic noise, unless direct associated with commercial premises in the vicinity of the application, cannot be taken into consideration.

A noise report has been submitted identifying the external noise levels impact on the proposed site. This concludes that, based on the BS4142 noise assessment, that there is likely to be an adverse impact. However specific glazing and ventilation measures are proposed which are considered acceptable by the Environmental Protection department. As such, the impact from commercial noise is acceptable subject to these mitigation measures being implemented (which will be secured by condition) and it is considered that there would not be any detrimental harm to the future occupant of the building from nearby Commercial Premises.

(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses

From 1st August 2020 the provision of natural light to all habitable rooms is a further consideration under prior approvals submitted under Class O, Part 3, Schedule 2 of the General Permitted Development Order (2015).

All habitable rooms and open plan living areas will be served by at least one window with sufficient distance from neighbouring buildings to ensure adequate daylight to the flats. As such, the provision of adequate natural light to all habitable rooms within the proposed flats is considered acceptable.

Conclusion

The proposed development would comply with the provisions of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the subsequent amendments. In accordance with Section O.2 of the above order the proposed change of use has been considered in relation to transport, contamination and flooding impacts, and also the impact of noise from commercial premises on future occupiers of the development and suitable light levels for future occupiers, and in relation to the provisions of the National Planning Policy Framework 2019 as required by paragraph W (10) of the said Order.

Recommendation:

GRANT Prior Approval subject to conditions